

Rep. Israel Pushes Bill to Stop Counterfeit Drugs

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Tim Fagan's muscles seized up the first time he was injected with Epogen, a drug his doctor prescribed to help him recover from a liver transplant in 2001.



The then 16-year-old Deer Park boy and his family were alarmed by the wrenching muscle cramps that often woke him in the middle of the night. But Epogen, which combats anemia, was critical to his recovery, so he kept taking it.

Then, after he had been taking it for two months, they got a call that terrified them.

CVS, the pharmacy where they got the drugs, had learned that some of the Epogen it had been distributing was counterfeit. When the Fagans checked the vial the drug came in, it was missing a tiny symbol that authentic vials had.

"We'd never even heard of counterfeit drugs," said Timothy's mother, Jeanne Fagan, 44. "Who would have thought that you'd have to second guess the medicine that your child is taking?"

The teenager's ordeal and others like it prompted Rep. Steve Israel (D-Huntington) to sponsor legislation to crack down on counterfeit drugs. His bill, which he said yesterday he will introduce this week, would give the Food and Drug Administration the ability to recall counterfeit drugs, and increase the penalties for counterfeiting. It also would require manufacturers to alert the FDA within two days of learning that a drug was counterfeited, and authorizes \$300 million over five years to spot-check distributors and stores for fake drugs.

"If we have \$87 billion to improve hospitals and public health in Iraq, then there's \$300 million to improve public health in Deer Park," said Israel, speaking from the Fagans' front porch yesterday.

Timothy Fagan, now 18, said his cramping stopped immediately after he began taking the correct drug. The FDA is investigating his case. Fagan said that the drug he took, which the the FDA is examining, could have been a diluted version of Epogen.

In July, Fagan sued the company that makes Epogen, its distributor, the pharmacy and any other corporation that may have handled the fake drugs, alleging that they had not done enough to prevent counterfeiting. The case is pending.

Spokesmen for the FDA and the pharmaceutical industry could not be reached to comment.

Counterfeit drugs are a growing problem in the United States, with about 20 new cases a year since 2000, Israel said. The problem gained notoriety in the spring, when more than 150,000 bottles of the cholesterol medicine Lipitor were recalled.

This summer, the FDA created a task force to look at the counterfeit drug problem. Members are looking at different technologies that could help better track drugs, and plan to release a report this winter, according to the FDA web site.

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